

THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD  
MONDAY, MAY 1, 2000 AT 1:30 P.M.

The Meeting was called to order at 1:30 p.m. Present: Council Chairperson Seng; Council Members: Camp, Cook, Fortenberry, Johnson, McRoy, Shoecraft; Paul A. Malzer, Jr., City Clerk.

The Council stood for a moment of silent meditation.

READING OF THE MINUTES

MCROY Having been appointed to read the minutes of the City Council proceedings of April 24, 2000, reported having done so, found same correct.

Seconded by Shoecraft & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

PUBLIC HEARING

APP. OF CONCORD NEIGHBORHOOD CORP. DBA APPLEBEE'S NEIGHBORHOOD GRILL & BAR FOR A RETAIL CLASS I LIQUOR LICENSE AT 1133 Q ST.;

MAN. APP. OF DONNA M. PAULSEN FOR CONCORD NEIGHBORHOOD CORP. DBA APPLEBEE'S NEIGHBORHOOD GRILL & BAR AT 1133 Q ST. - Tim O'Neill, Harding Schultz & Downs, 121 S. 13th St., representing applicants, took oath: I guess I've been up here more than I can remember on this particular project so I'll just be brief & ask if there's any questions.

Ms. Seng: Can't hardly wait for that place to open.

Mr. O'Neill: First part of July.

Richard Halvorsen, 6311 Inverness Rd., took oath: I take it the manager's not going to speak today since they're not in favor & I think that we owe the...so I guess I would ask that be held over so at least you can ask her the standard questions you ask every other manager that comes up here if they attended the Hospitality Courses & things like that. Well, you have the time 'cause the buildings not even finished yet. I mean they don't even have the exterior walls so there's plenty of time for this application to be held over or at least the manager application to be held over. And here we are about with 53-177, I couldn't find the ordinance but your Counsel has pointed me on the correct path. But I still believe that common sense would tell you this whole area is now University...on "Q" St. from 13th all the way to 10th St. is now University property. So even the ordinance says that the boundary of "R" St. is "R" St., I would think, again (inaudible), I would think that would conflict somewhere else with another ordinance. Again, I haven't done that much research & common sense would tell you the University is right there. Again, maybe this is not the forum. Maybe next Liquor Commission will be the forum to address this. I would think either common sense or case law somewhere because either this cannot...I mean this area on "Q" St. has either got to be University or it doesn't. Somewhere there's got to be a citation or something saying this is part of the University or it's not. So, again, like I say, maybe this is not the forum to argue that, maybe the next level is the forum to argue that. Number one, I would ask the manager application be held over till she can come forward & be...offer her testimony & the other one, like I say, that's, again, up to you whether you pass it or not. If you pass it, I'll take it on to the Liquor Commission & we can maybe argue it there.

Jon Camp, Council Member: Coleen, if I may, Richard, as I mentioned to you last time, there is a State Statute that the State of Nebraska enacted & it just says...I know it's not logical but it said by definition or by statute we hereby say that the southern boundary of the University is "R" St.

Mr. Halvorsen: Like I say, I checked through all the statutes, everything about "R", you know, for the University (inaudible) I could not find anything at all in the University section of the State Statutes that says "R" St. is the campus boundary. But the Counsel just informed no,

it's in a different section of the Liquor Commission.

Mr. Camp: Yeah, I don't know whether Dana can tell you or if you can call the Liquor Commission.

Mr. Halvorsen: Yes, he did. But like I say, I haven't seen it. I checked through the whole law book, every Statute having to do anything at all with the University that I thought & there was nothing at all saying the University of Nebraska campus was "R" St. so...& I checked some other statutes which I thought referred...I couldn't find it & he's probably pointed me in the right direction at this point. So this is probably not the forum, you know, maybe, again, like I say State Liquor Control Commission would be the forum to bring this up really, to tell you the truth because it probably involves some case law or something like that.

Ms. Seng: You are representing the applicant, correct?

Mr. O'Neill: Right. Donna Paulsen is the manager of 7 licenses already in the State of Nebraska. She's fully qualified. I don't think you've ever heard a report in Lincoln of an Applebee's problem. They have their own in-house training. In fact, the Old Cheney store is a training for Applebee's throughout the system as a training ground for service of alcohol & training. They have an impeccable record as far as controlling alcohol. It's not a bar, it's a restaurant & a bar. I think her qualifications are above reproach. As far as the distance issue, there is a statute. This isn't even close to the line. We checked that out thoroughly before we bought it. So, unless somebody has a question...

Cindy Johnson, Council Member: Has Donna taken the management training course that's mandated to her?

Jerry Shoecraft, Council Member: What I was going to say, Cindy, I think maybe even want to advise them some of the things we're working on in the Internal Liquor Committee about a manager managing 7 different locations. That's something we're addressing & it's going to be a concern to us, you know, until...some of us feel that a manager needs to be on-site at each particular location.

Mr. O'Neill: And we do. We have a manager at each location & four assistant managers. And she's there in place to ensure uniformity of the application. She actually goes to the restaurant. This is not someone that sits down by Cablevision & looks out her window. She's actually at the restaurants. She's there when the stores open, when they hire the 150 people to train. She's there & this isn't a person that just sits in an office & looks out the window. She's actively involved. She started as assistant manager in Norfolk.

Mr. Shoecraft: I'm not questioning that. All I'm saying is, in the future, an on-site manager probably at each particular location needs to go through the course. That's what we're going to eventually be getting to & it's a concern. So, I'm not questioning her, Donna's qualifications. I'm just saying...letting you...alerting you to some possible changes that are going to be before Council.

Ms. Johnson: Just watch for some legislation. We may be looking at that.

Mr. O'Neill: And we wouldn't have any problem with attending them. The concern we have about having a manager at each store being on the corporate side & I know that's a little different level here we're talking about but it's hard because there is turnover in the food industry like no other's probably because everybody just moves up the ladder & they're hard people to get. I'd be here all the time. I mean it'd be good employment for me but it's not good for the client that needs someone that is in charge directly with the State & overseeing all operations with liquor. This is the 19th Applebee's so I'm just telling you about the one's that are in Nebraska & we've got Texas, Wyoming, Missouri, Oklahoma, all sorts of State Liquor License to deal with & we need one person that does all that. And Donna does it. She does a nice job.

This matter was taken under advisement.

APPROVING AN ADDITIONAL APPROPRIATION OF \$500,000 FOR THE PAVEMENT REHABILITATION OF RESIDENTIAL STREETS - Roger Figard, Public Works & Utilities: I left a list of the proposed streets, both arterial & residential, that's on our list for rehabilitation this year. This is an effort to move forward. As

we went into the Spring, there was increased interest & direction, I think, from the Administration & the Council, to try to increase the number of streets in the residential areas that we were rehabilitating on an annual basis. So, from within the existing street construction account we're simply asking you to appropriate an additional \$500,000 which that money is there & does exist. It's not coming from any other account. It doesn't delay any other projects. It's just an increased appropriation from street construction to do that added work this year. Those monies have accumulated slowly over years where we've gotten in more gas tax, wheel tax than we had estimated & it's accumulated to where we can do that additional work this year. So, wanted to make sure there was no confusion this wasn't taking money from any other accounts. It doesn't delay or defer any other projects, just additional work. I would answer any questions you might have.

Jonathan Cook, Council Member: Not a question, but I just want to say, I have a telephone note here someone complaining about Lincoln being shortchanged on street resurfacing & we need to get more done & so I'm pleased this is on our agenda today because it's something so many people care about so thank you.

Jeff Fortenberry, Council Member: Well, I did have a question. Did the increase in the fund balance that we're able to appropriate now come from an unexpected increase or not projected...an increase that wasn't projected from the previous years cycle, are we setting a new policy by having this amount of funding continue on an annual basis? Is this a one-time use of surplus that was...

Mr. Figard: Good question. The account balance has slowly increased faster than we probably project on an annual basis. It's...historically, every two or three years, we have appropriated money from those accumulations to different projects. I think to specifically answer your question, we've increased the budget amount for resurfacing each year in the future six year program. I'm not sure every year we can add another \$500,000. It probably would be something less than that but we have increased the current level of spending so we can't add \$500,000 every year over the projections.

Mr. Fortenberry: When do you suggest would be the appropriate time to talk about the specific design issues on specific streets as they come forward for rehabilitation?

Mr. Figard: I think there's two places. One is within the public way corridor for concepts & policy from you all giving us direction. The other would be in the fall & winter as we've done our analysis. We give you a list of the areas that we are proposing to rehabilitate the following summer. That would be the time in which, as you look over, that list, if you have a particular street segment that you think something else other than just rehabilitation which is typically curbs, asphalt & base need to be done. That would be a time frame that you could do that. Then we prepare plans as we go on into the spring on how to do that.

Mr. Fortenberry: I don't have any specific suggestions on these unless they would come up after this hearing on these. But to get ahead of the curve in the future, I think it'd be a good idea to at least have that as an opportunity.

Mr. Figard: We generally would try to give you some idea of where we were headed on some of the resurfacing projects at the Council retreat in December. That's another good time for you to share with us your thoughts & ideas on doing something a little different than just rehabilitation if you have some ideas.

Ms. Seng: Roger, I was really pleased to see the addition on here because some of those I've sent in through the last few years so I was glad to see that they're on there because people have requested it.

Mr. Shoecraft: What if we don't necessarily agree with a particular street that's on here, one of the arterials? I mean, for example, if you want to pick one, so let's say 40th to Sheridan to Clifford.

Mr. Figard: You better hurry, we're more than half done.

Mr. Shoecraft: What?

Mr. Figard: You better hurry because we have that work more than half done already. As we bring the list forward, we always send the list

REGULAR MEETING

MAY 1, 2000

PAGE 870

in in early winter saying these are the areas we're looking at, we're going to go out to meetings with the business & the neighborhoods. We get their ideas & thoughts. We bring those thoughts & comments back to the Council & say here's what we've heard, here's still our recommendation. I guess at that point it's your job to lobby with the administration to give us different direction. I think that's probably a department & administrative decision to be made unless there is serious conflict or concern raised by you all in the community that the administration wants to address.

Mr. Fortenberry: Roger, you know my ongoing concern with manhole covers.

Mr. Figard: Yes.

Mr. Fortenberry: And we've gotten the design straight on that or criteria for potential bidders.

Mr. Figard: Yes.

Mr. Fortenberry: The other issue, the paint striping, I don't know if anybody that's feeling woozy again.

Mr. Figard: Would you please drive Van Dorn east of 70th & check the manholes there? I think we got them right. That section was open Friday.

Mr. Fortenberry: You want me to do that?

Mr. Figard: If you're out in that area, please do.

Mr. Fortenberry: The reason I say that I just want the public to know the extent to which Council members sometimes go.

Danny Walker, 427 E St.: I find it somewhat amusing the concern where this \$500,000 is coming from. I think what the Council should be more concerned about is the fact that for a period of 5 yrs., not one residential street was touched. It seems like when you consider that fact that this \$500,000 is piddly period. In addition, I noticed 6th St. to "D" St. is on the agenda for the schedule to be refurbished. The north entrance of the intersection of 6th & D has serious drainage problems. If you get snow, ice, rain, during the winter months, that builds up. It's higher than street level. It goes down into a ditch right at that intersection. Rick Haden can verify that because Rick Haden has went out there several times during the winter months & plowed that specific area out. It's very dangerous, very precarious. "D" St. carries very heavy traffic as does 6th St. Any questions? And I do think there could be a better procedure used in selection of what streets are going to be paved & repaved & etc. It's not fair for just the City Council to get this information at a retreat. I think the public should be one of the first to know. Any questions?

Mr. Cook: Danny, I just want to make sure if you can follow up & talk to Roger Figard about exactly the location so that he can make sure he has a note of it because I understand what you're talking about. Sometimes they will come in & redo streets & then there'll be a first rain & you'll see puddling in spots that they shouldn't be...

Mr. Walker: That's correct, Jonathan, & while they're there & while they are doing it, I would appreciate it if that was...you know, & we don't want to get into a 9th & 10th St. fiasco, you know, where every other year we gotta do this & do that & put in drinking water fountains & etc. & tear up brand new stuff. I think once they are there maybe they can straighten that problem out. Thank you.

Glen Cekal, 1420 "C" St.: I think sometimes we must read & not understand. We must hear sometimes & it must not register. If you all read the article that I read in the April 27th Journal Star Paper, page 3B, Mr. Abbott says quote, well, not quote but, okay, the City Public Works Director Alan Abbott said residential streets last about 40 yrs. which means Lincoln needs to resurface about 120 blocks annually. Instead the City has only resurfaced about 30 annually. This general pattern has been going on for many years. Unfortunately, it seems as though past Mayor's & Council's are not impressed with the average voting citizen but are much more impressed by people who are in the development business. Now, I think developers are some of the most wonderful people that I know because you've gotta keep building, renewing & so forth. So, I have nothing against developers as such. But I do think that the Council & the

Mayor & people like Erickson, Abbott, Figard & that sort of person, they're kind of like the mothers in a family trying to...hopefully being responsible for their citizens getting what they need & acting the way they should. And I said several times that I was disappointed in everybody at the City Council trying to indicate that I think there's been a poor job done. This is about as perfect an example of a lack of performance. In other words, on a scale of 1 to 5, 5 being the worst, I would say that the past years the Mayor & the Council's deserve a five. A flunk. It's not a matter of parties. It's a matter of integrity, responsibility & meeting challenges with some effectiveness which is presently not being done. I think this is...I'm obviously very happy about the half a million dollars but when I consider the fact if you folks can do arithmetic & I'm not too good at it but I was able to figure it out, if you take from this article alone, it looks to me like we're spending or investing about 23%, I don't claim to have all the figures. I can't guarantee you this is right. But we're spending about 23% on the older, infrastructure in the City. Here a short time back, I asked for sidewalks, for example, to be done in an area from 13th to 17th, "A" to "G" & the City very promptly, at Coleen's suggestion, Mr. Figard sent somebody out & bang we got arrows all over the sidewalk & then they wrote me a letter a couple weeks later said sorry, we don't have any money. Now, that is not an excuse, Mr. Figard, that is not an excuse & you & Mr. Abbott are especially, along with some others, are especially delegated to be in charge of this. I'm not meaning to be unkind but I would give you a flunking grade, especially on the sidewalk situation. If you want to destroy this City, just keep building new boxes of things & forget about what brought us to this point basically. And that's what you're doing. You're forgetting what it takes to renourish the existing City & you do know better. And this is not a deal that you do once or twice a year, Mr. Figard. This is a 366 day job, the infrastructure of the City of Lincoln. So, I don't think you need any special invitation or a special time & by Mr. Abbott's own words, you're spending about a fourth or less of what you need to spend on infrastructure. Now, again, I'll repeat, the article is in the Journal Star paper, April 27th issue, page 3B. Thank you.

This matter was taken under advisement.

APPROVING AN INTERLOCAL AGRMT. BETWEEN THE CITY, STATE, & LOWER PLATTE SOUTH NRD FOR ABATEMENT & CONTROL OF URBAN CONSTRUCTION SITE EROSION & SEDIMENT - Glen Johnson, General Manager of Lower Platte South NRD: You have before you the Interlocal Agreement between three agencies, the City of Lincoln, the NRD, & the Dept. of Environmental Quality. The purpose of this interlocal agreement is basically to set out the process by which a particular segment of the ordinances, the stormwater ordinances recently adopted, & which came into effect on March 23rd, are to be administered & implemented, basically, the construction site erosion & sediment control. We're excited about this cooperative effort between the three agencies. We think working together these three governmental agencies can streamline & coordinate the implementation of this major section of the stormwater ordinances. We think that the interlocal agreement has outlined a fair, responsible & appropriate allocation of responsibilities among the three parties. We've actually been utilizing part of this process now since March 23 because that was the effective date. The NRD has been receiving & reviewing & approving the notice of intent & the stormwater pollution prevention plans that have been submitted. We've had excellent response from the developers & the applicants so far & very good cooperation. I will say that all of us are going through a learning process in this because they are new ordinances. They involve some new technology that hasn't been used in this area before in some cases. New procedures, new timing, new sequence, sometimes new agencies involved in it. But it also involves an enhanced level of accountability for all of those involved. We think it sets out a very reasonable process & we would certainly encourage the City to...the NRD has already approved the Interlocal Agreement, encourages the City to adopt it & we will then move it on to the Dept. of Environmental Quality. Thank you.

This matter was taken under advisement.

REGULAR MEETING

MAY 1, 2000

PAGE 872

SPECIAL PERMIT 1781A - APP. OF DESIGN ASSOCS. TO AMEND NORTHVIEW 1ST COMMUNITY UNIT PLAN (C.U.P.) TO ADJUST THE REAR YARD SETBACKS ON THE LOTS WITHIN PROPOSED BLOCK 3 & TO ADJUST THE LOT CONFIGURATION ON PROPOSED LOTS 10 THROUGH 13, BLOCK 2, ON PROPERTY GENERALLY LOCATED AT N. 24TH & DODGE STS. - J. D. Burt, Design Assocs., 1609 N St., Suite 100, representing Lincoln Federal Savings & Loan: The application is fairly self-explanatory & I just thought it necessary to come down & find out if you folks have any questions & be happy to answer those questions.

This matter was taken under advisement.

APPROVING A TRANSFER OF APPROPRIATIONS IN THE AMT. OF \$68,117 FROM GENERAL FUND CONTINGENCY TO GENERAL FUND URBAN DEVELOPMENT TO PROVIDE MATCHING FUNDS FOR A STATE GRANT FOR START UP COSTS FOR A ONE-STOP EMPLOYMENT CENTER RELATED TO THE WORK FORCE INVESTMENT ACT - Jim Linderholm, Chair of the Greater Lincoln Local Work Force Investment Board, 4315 Calvert Place: I'm speaking in support of the funding request on behalf of the 57 member Board of Directors that governs WIA activities in Lincoln. As I explained at a Pre-Council Meeting on April 17th, we're a newly constituted board all serving the community on a volunteer basis. Our work started last December when we received certification as a Board from the Governor for a 2 yr. period. The Greater Lincoln Board is in a state-wide network of service providers that is linked to the Nebraska Dept. of Labor & the Governor who answers to the U.S. Dept. of Labor for Work Force Investment Act activities. In that pre-Council session on April 17th, I mentioned how the WIA has the potential to change the paradigm of how we prepare the work force in the 21st Century here in Lincoln. And I'll briefly touch on those items from that report. Today's paradigm, there are 17 agencies in Lincoln providing services at scattered locations. There's no common intake system or integrated service vision. There's no common voice for employer or employee needs. We have inflexible service hours & there's only limited electronic access to services. There's no comprehensive system to measure program success. Tomorrow's paradigm, which really begins the first of July of 2000, we will have universal access to one integrated work force development system in Lincoln. By universal access, I mean that anyone can access these services. That includes people that live outside of Lincoln & Lancaster County throughout the state & even people from other states. As you all know, we have a very low unemployment rate here in Lincoln & we need to find ways to attract additional work force. For the first time, we'll have a customer-driven service. Hopefully, a friendly, one-stop center that will be at Gold's Galleria with ample parking available to everyone & with flexible hours. We'll probably have some evening hours & perhaps even some weekend hours at that one-stop center. We'll have local monitoring & measurement of success. We'll have electronic inactivity to enhance system access to all people. And last but not least, an opportunity for greater development of our work force. From time to time, the City makes investments that benefit the local economy. Infrastructure development represents a huge investment that you make in the local economy. And I know you deal with that literally on a week-to-week basis. The Lincoln Partnership for Economic Development has been another important investment that you have made that has shown success in helping to develop the work force. Urban revitalization projects are other examples of public investment. Convention centers, parking facilities are additional examples. Now, we're asking for your support to invest in the one-stop center is another example of local partnering that can benefit the Lincoln economy. What can you expect from this investment activity? Greater efficiency as we expand services to a wider audience of potential workers & employers in the future. A business center for employers to discuss their needs in greater depth with the people that we'll have at the work force center. Better services that are monitored by a local board on a continual basis. Customer satisfaction information that will be available to the public. Opportunities to ask questions & get information on the programs that we are operating. Periodic reports & an annual report of our activities & a forecast of our future activities. You may recall that the Board selected the City as operator of the one-stop center for a period from July 1, 2000

thru Jan. 1, 2002, a period of 18 months. So we'll all be working to develop & improve this one-stop center during that time period. Again, we're asking for the Council's support & appropriation as one of the many local partners that are investing in our economic development. I'd be pleased to answer any questions.

Jerry Barnes, General Manager of the Cornhusker Hotel, 333 S. 13th St.: And I am one of the 57 members of this Work Force Investment Board in this local area of Lincoln. And I'm here really for two things, the first of which is to encourage you to vote to set aside these funds for the beginning of this one-stop area. I see this as a real boon & the need that we have specifically for the hourly employee which, in the 1.8 to 2 point employment rate, is really taxing our ability to get employees. And the second thing, I'd be happy to answer any questions.

Ms. Seng: I think we've had...we had a pre-Council on this & think we've had a lot of information. Thank you.

Marc Wullschleger, Director of Urban Development: I'd like to thank Jerry & Jim for coming today. They are two of our 57 members of the Board & our Board is the majority of the private sector & they're very interested in this as you can see from Jerry's comments. We are asking today for \$68,117 to be taken out of the Contingency Fund. We've been working on this for about 6 months. I've got several people of my staff been working on this almost on a full-time basis. We're very excited about getting this up & running. July 3rd is our opening date in Gold's Galleria. We are trying to meet a match of \$111,000 to a State Grant & we need part of this \$68,117 from you today to meet that grant to open the Center. This is a Federal mandate & it will help both job seekers as you have heard & employers from our community. I hope you give favorable consideration to this. If there's any questions, I do have two other experts, Dan & Jan, here to answer any questions. Thank you.

Mr. Camp: Marc, I did have one quick question. On the decision to choose one location over another, did you go through a formal process & advertise that or how was that done?

Mr. Wullschleger: Not a formal process but we did take a committee of our Board, Jon, & look at four different sites. The four different sites were downtown. At this time, we're looking at probably the most important thing was the bus system is what we were looking for, access.

Annette McRoy, Council Member: Marc, one question I have is that with this replacing what we have as JTPA, what funds will be for the Summer Youth Program for next summer? I know we don't have anything for this year but is that a component of the new (inaudible).

Mr. Wullschleger: Yes, we do not know at this time, Annette. Nationwide there are zero funds for the Youth System, as decided by Congress. We have been lobbying Congress. We have not been successful for this year. We will have some funds next year but we don't know how much they will be.

Ms. McRoy: That will be part of the whole Work Force Investment Act?

Mr. Wullschleger: Yes, it will. We have a separate Youth Council that is being setup. We have it setup actually at this time & it is part of Work Force Investment Act. And we will have funds next year.

Ms. Seng: Marc, you said one of the reasons was to choose Gold's was because of the transportation.

Mr. Wullschleger: That was our biggest reason.

Ms. Seng: And the folks that are coming to the 17 agencies are people that are out of jobs, correct, seeking employment?

Mr. Wullschleger: Not necessarily. We basically have three. The job seekers will be people that are out of work & people that want to upgrade their jobs. The third one is the employers. We hope to attract the employers, the Jerry Barnes' that need employees.

Ms. Seng: It's very important then though that it be accessible to people without a car.

Mr. Wullschleger: Especially low & moderate income, that's correct.

Danny Walker, 427 E St.: I think one thing the Council should consider is some type of a training program. Omaha had an article in the

**REGULAR MEETING**

**MAY 1, 2000**

**PAGE 874**

World Herald recently stated that actually they had lost their last training facility as far as high schools students when Omaha Tech High School closed. And I think some consideration & attention should be given in that perspective so you just don't get common laborers & then you'll have Burger King crying how they can't afford to spend \$6.00 an hour for labor. We need some good wage earning jobs in this town, not piddly stuff, jobs that pay enough to have a decent living. Thank you.

This matter was taken under advisement.

**MISCELLANEOUS BUSINESS**

Danny Walker, 427 "E" St., came forward to update the Council on the situation under the overpass at 115 "H" St., it's been cleaned up somewhat but more work needs to be done. Cindy Johnson inquired who the property owner was, if it was City property. Roger Figard responded that it is public right-of-way bought for the purposes of the bridge; property owner contacted Public Works about a lease arrangement where they might pay for the use of that; property owners are kind of taking care of it; if the property owners take everything out then Parks & Rec. has to come in & mow it & maintain it; dilemma is what is an appropriate use & what reimbursement if a private individual wishes to use that area. Mr. Walker raised a second issue of the ballpark situation; he made a statement that night games were played by both the baseball team & the softball team; on the rebuttals to his statement, people denied this; May 1st Omaha World Herald stated that they were coming up to a double header beginning in early evening; statements were also made that this parking lot will be used at a very minimal rate; the article he has at home states they signed a 15 yr. agreement, \$12,600 a month, to lease that parking lot; doubts that parking lot is going to sit there idle.

This matter was taken under advisement.

**ORDINANCES - 3RD READING**

CREATING WATER DIST. 1179 IN PLUM ST. FROM GILLESPIE TO APPROX. 350' EAST - CLERK read an ordinance, introduced by Jeff Fortenberry, designating the real estate to be benefitted, providing for assessment of the costs of the improvements constructed therein, providing for the acquisition of easements & additional right-of-way, if necessary, & repealing all ordinances or parts of ordinances in conflict herewith, the third time.

FORTENBERRY Moved to pass the ordinance as read.

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

The ordinance, being numbered **17659**, is recorded in Ordinance Book 24, Page

CREATING ALLEY PAVING DIST. 358 IN THE NORTH-SOUTH ALLEY BETWEEN ST. PAUL & MADISON STS., 49TH ST. TO 50TH ST. - CLERK read an ordinance introduced by Jeff Fortenberry, defining the limits thereof, establishing the width of the roadway to be paved & the width of the grading to be done, providing for the curbing, guttering, & relaying of sidewalks, providing for the payment of the cost thereof, designating the property to be benefitted, providing for the acquisition of easements & additional right-of-way, if necessary, & repealing all ordinances or parts of ordinances in conflict herewith, the third time.

FORTENBERRY Moved to pass the ordinance as read.

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

The ordinance, being numbered **17660**, is recorded in Ordinance Book 24, Page

CREATING PAVING DIST. 2617 IN 73RD ST. FROM CUMING TO THURSTON STS. - CLERK read an ordinance, introduced by Jeff Fortenberry, defining the limits thereof, establishing the width of the roadway to be paved & the width of the grading to be done, providing for the curbing, guttering, & relaying of sidewalks, providing for the payment of the cost thereof, designating the

property to be benefitted, providing for the acquisition of easements & additional right-of-way, if necessary, & repealing all ordinances or parts of ordinances in conflict herewith, the third time.

FORTENBERRY Moved to pass the ordinance as read.

Seconded by Camp & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

The ordinance, being numbered **17661**, is recorded in Ordinance Book 24, Page

CREATING WATER DIST. 1180 IN 33RD ST. FROM SUPERIOR ST. NORTH TO APPROX. MERIDIAN DR. - CLERK read an ordinance, introduced by Jeff Fortenberry, designating the real estate to be benefitted, providing for assessment of the costs of the improvements constructed therein, providing for the acquisition of easements & additional right-of-way, if necessary, & repealing all ordinances or parts of ordinances in conflict herewith, the third time.

FORTENBERRY Moved to pass the ordinance as read.

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

The ordinance, being numbered **17662**, is recorded in Ordinance Book 24, Page

CREATING PAVING DIST. 2618 IN 33RD ST. FROM SUPERIOR ST. NORTH TO APPROX. MERIDIAN DR. - CLERK read an ordinance, introduced by Jeff Fortenberry, defining the limits thereof, establishing the width of the roadway to be paved & the width of the grading to be done, providing for the curbing, guttering, & relaying of sidewalks, providing for the payment of the cost thereof, designating the property to be benefitted, providing for the acquisition of easements & additional right-of-way, if necessary, & repealing all ordinances or parts of ordinances in conflict herewith, the third time.

FORTENBERRY Moved to pass the ordinance as read.

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

The ordinance, being numbered **17663**, is recorded in Ordinance Book 24, Page

CHANGE OF ZONE 3237 - AMENDING TITLE 27 OF THE LINCOLN MUNICIPAL CODE (LMC) TO REQUIRE THAT NEW CONSTRUCTION IN THE R-4, R-5, R-6, R-7, & R-8 ZONING DIST. CONFORM WITH NEIGHBORHOOD DESIGN STANDARDS; TO ADJUST THE AREA REQUIREMENTS FOR MULTI-FAMILY DWELLINGS IN THE R-5 THROUGH R-8 ZONING DIST.; TO REMOVE THE R-C RESIDENTIAL CONSERVATION DIST.; TO ADJUST THE REQUIREMENTS FOR OPEN SPACE IN THE R-5 THROUGH R-8 ZONING DIST.; & TO ADD LANGUAGE TO ALLOW UP TO 25% OF A FRONT FACADE TO ENCROACH UP TO 2' INTO THE REQUIRED FRONT YARD. (IN CONNECTION W/00R-127) - CLERK read an ordinance, introduced by Jeff Fortenberry, amending Title 27 of the LMC to require that new construction in the R-4, R-5, R-6, R-7, & R-8 zoning districts conform with Neighborhood Design Standards; to adjust the area requirements for multi-family dwellings in the R-5 through R-8 zoning district; to remove the R-C Residential Conservation Dist.; to adjust the requirements for open space in the R-5 through R-8 zoning districts; & to add language to allow up to 25% of a front facade to encroach up to 2' into the required front yard, the third time.

FORTENBERRY Moved to pass the ordinance as read.

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

The ordinance, being numbered **17664**, is recorded in Ordinance Book 24, Page

APPROVING A LEASE AGRMT. BETWEEN THE CITY & B&J PARTNERSHIP, LTD. FOR THE RELOCATION OF PUBLIC WORKS & UTILITIES ENGINEERING SERVICES AT 531 WESTGATE BLVD. - CLERK read an ordinance, introduced by Jeff Fortenberry, whereas, the City of Lincoln Public Works & Utilities Dept., Engineering Division, desires to rent space of approx. 23,5000 sq. ft. of a building owned by B & J Partnership, Ltd. located at 531 Westgate Blvd., Lincoln, Nebraska, the third time.

FORTENBERRY Moved to pass the ordinance as read.

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

The ordinance, being numbered **17665**, is recorded in Ordinance Book 24, Page

REGULAR MEETING

MAY 1, 2000

PAGE 876

AMENDING SEC. 10.14.200, 10.14.210, & 10.14.220 OF THE LMC TO PERMIT U-TURNS AT SELECT LOCATIONS WHEN PERMITTED BY AN AUTHORIZED TRAFFIC CONTROL DEVICE - PRIOR to reading:

COOK Moved to amend Bill 00-73 in the following manner:

(a) On page 1, line 10, delete the underlined language. Section 10.14.200 shall then begin "It shall be unlawful..."

(b) On page 1, line 12, after the word "intersection" & before the comma, add the phrase "or median crossover".

(c) On page 1, line 17, delete the word "at" & insert in lieu thereof the word "on".

Seconded by Camp & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

CLERK Read an ordinance, introduced by Jon Camp, amending Chapter 10.14 of the LMC, Rules of the Road, by amending Secs. 10.14.200, 10.14.210, & 10.14.220 to allow U-turns at select locations when permitted by an authorized traffic control device; & repealing Secs. 10.14.200, 10.14.210, & 10.14.220 of the LMC as hitherto existing, the third time.

CAMP Moved to pass the ordinance as read.

Seconded by McRoy & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng; NAYS: Shoecraft.

The ordinance, being numbered **17666**, is recorded in Ordinance Book 24, Page

SPECIAL PERMITS

SPECIAL PERMIT 1691B - APP. OF HOEGEMEYER-PALMER CONSTRUCTION, INC. TO AMEND THE SHADOW PINES 1ST C.U.P. TO ADJUST THE REAR YARD SETBACKS FROM 22' TO 17' FOR LOTS 5, 6, 7, & 8 & OUTLOT C, BLOCK 2, SHADOW PINES ADD., GENERALLY LOCATED AT SHADOW PINES DR. & S. 57TH ST. - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-80156 WHEREAS, Hoegemeyer-Palmer Construction, Inc. has submitted an application designated as Special Permit 1691B for authority to amend Shadow Pines 1st C.U.P. to adjust the rear yard setbacks from 22' to 17' for lots located along the west side of S. 57th St., south of Shadow Pines Dr., & legally described to wit:

Lots 5 through 8, Block 2, & Outlot C, Shadow Pines Add., located in the SW1/4 of Section 16, Township 9 North, Range 7 East of the 6th P.M., Lincoln, Lancaster County, Nebraska;

WHEREAS, the real property adjacent to the area included within the site plan for this adjustment to the rear yard setbacks will not be adversely affected; and

WHEREAS, said site plan together with the terms & conditions hereinafter set forth are consistent with the intent & purpose of Title 27 of the LMC to promote the public health, safety, & general welfare.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the App. of Hoegemeyer-Palmer Construction, Inc., hereinafter referred to as "Permittee", to amend Shadow Pines 1st C.U.P. to adjust the rear yard setbacks from 22' to 17' for Lots 5, 6, 7, 8, Block 2, & Outlot C, Shadow Pines Add., be & the same is hereby granted under the provisions of Section 27.63.320 & Chapter 27.65 of the LMC upon condition that construction of said C.U.P. be in strict compliance with said application, the site plan, & the following additional express terms, conditions, & requirements:

1. This permit approves a reduction in the rear yard setback for Lots 5, 6, 7, & 8, Block 2, & Outlot "C", Shadow Pines Add. from 22'0" to 17'0".

2. Before receiving building permits:

a. The Permittee must submit an acceptable revised & reproducible final plan.

b. The construction plans must conform to the approved plans.

3. Before occupying the dwelling units all development & construction must be completed in conformance with the approved plans.

4. All privately-owned improvements must be permanently maintained by the Permittee or an appropriately established homeowners association approved by the City Attorney.

5. The site plan approved by this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking & circulation elements, & similar matters.

6. The terms, conditions, & requirements of this resolution shall be binding & obligatory upon the Permittee, successors, & assigns. The building official shall report violations to the City Council which may revoke the special permit or take such other action as may be necessary to gain compliance.

7. The Permittee shall sign & return the City's letter of acceptance to the City Clerk within 30 days following approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The City Clerk shall file a copy of the resolution approving the special permit & the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the Permittee.

8. The site plan as approved with this resolution voids & supersedes all previously approved site plans. All resolutions approving Special Permit 1691 & Amendment A thereto remain in force except as specifically amended by this resolution.

Introduced by Annette McRoy

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

SPECIAL PERMIT 1781A - APP. OF DESIGN ASSOCS. TO AMEND NORTHVIEW 1ST C.U.P. TO ADJUST THE REAR YARD SETBACKS ON THE LOTS WITHIN PROPOSED BLOCK 3 & TO ADJUST THE LOT CONFIGURATION ON PROPOSED LOTS 10 THROUGH 13, BLOCK 2, ON PROPERTY GENERALLY LOCATED AT N. 24TH & DODGE STS. - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-80157 WHEREAS, Design Assocs. has submitted an application designated as Special Permit 1781A for authority to amend the Northview 1st C.U.P. to adjust the rear yard setbacks on the lots within proposed Block 3 & to adjust the lot configuration on proposed Lots 10 through 13, Block 2, on property generally located at N. 24th & Dodge Sts., & legally described to wit:

Lot 2, Block 1, Northview 1st Add., Outlot "A", Northview 2nd Add., & Lot 140 I.T., located in the North One-Half of Section 12, Township 10 North, Range 6 East of the 6th P.M., City of Lincoln, Lancaster County, Nebraska, & more particularly described as follows:

Referring to the southeast corner of the NE1/4 of said Section 12, thence in a northerly direction, along the east line of the NE1/4 of said Section 12, on an assumed bearing of north 00° 04 mins. 52 secs. west for a distance of 811.04' to the centerline of Old Dairy Rd.; thence along said centerline of Old Dairy Rd., north 88° 42 mins. 53 secs. west for a distance of 471.04'; thence north 01° 17 mins. 07 secs. east for a distance of 33.00' to the point of beginning; thence on a curve to the right, with an angle of 42° 36 mins. 55 secs., a radius of 117.00', a chord bearing of north 67° 52 mins. 58 secs. west, a chord length of 85.03', & an arc distance of 87.02'; thence south 43° 25 mins. 34 secs. west for a distance of 66.00'; thence north 88° 45 mins. 16 secs. west for a distance of 723.37'; thence north 00° 02 mins. 31 secs. west for a distance of 495.97'; thence north 00° 14 mins. 33 secs. west for a distance of 233.92'; thence south 88° 47 mins. 20 secs. east for a distance of 99.30'; thence on a curve to the left, with an angle of 01° 11 mins. 16 secs., a radius of 630.00', a chord bearing of south 89° 24 mins. 22 secs. east, a chord length of 13.06', & an arc distance of 13.06' to a point of tangency; thence south 90° 00 mins. 00 secs. east for a distance of 323.50'; thence north 00° 00 mins. 00 secs. east for a distance of 60.00'; thence north 90° 00 mins. 00 secs.

west for a distance of 137.12'; thence north 00< 00 mins. 00 secs. east for a distance of 128.00'; thence south 90< 00 mins. 00 secs. east for a distance of 551.78'; thence south 00< 03 mins. 42 secs. east for a distance of 437.28'; thence south 00< 03 mins. 42 secs. east for a distance of 478.25'; thence north 88< 42 mins. 53 secs. west for a distance of 2.79' to the point of beginning. Said parcel containing a calculated area of 16.50 acres, including 3.112 acres of right-of-way, more or less.

AND

Referring to the southeast corner of the NE1/4 of said Section 12, thence in a northerly direction, along the east line of the NE1/4 of said Section 12, on an assumed bearing of north 00< 04 mins. 52 secs. west for a distance of 811.04' to the centerline of Old Dairy Rd.; thence along said centerline of Old Dairy Rd., north 88< 42 mins. 53 secs. west for a distance of 471.04'; thence north 01< 17 mins. 07 secs. east for a distance of 33.00'; thence on a curve to the right, with an angle of 42< 36 mins. 55 secs., a radius of 117.00', a chord bearing of north 67< 52 mins. 58 secs. west, a chord length of 85.03', & an arc distance of 87.02'; thence south 43< 25 mins. 34 secs. west for a distance of 66.00'; thence north 88< 45 mins. 16 secs. west for a distance of 723.37'; thence north 00< 02 mins. 31 secs. west for a distance of 495.97'; thence north 00< 14 mins. 33 secs. west for a distance of 233.92'; thence north 00< 01 mins. 15 secs. west for a distance of 60.00' to the point of beginning; thence north 00< 01 mins. 15 secs. west for a distance of 125.74'; thence south 90< 00 mins. 00 secs. east for a distance of 238.78'; thence south 00< 00 mins. 00 secs. west for a distance of 128.00'; thence south 90< 00 mins. 00 secs. west for a distance of 126.10'; thence on a curve to the right, with an angle of 01< 11 mins. 17 secs., a radius of 570.00', a chord bearing of north 89< 24 mins. 22 secs. west, a chord length of 11.82', & an arc distance of 11.82' to a point of tangency; thence north 88< 47 mins. 20 secs. west for a distance of 100.84' to the point of beginning. Said parcel containing a calculated area of 0.699 acres, more or less.

WHEREAS, the real property adjacent to the area included within the site plan for this adjustment to the rear yard setbacks will not be adversely affected; and

WHEREAS, said site plan together with the terms & conditions hereinafter set forth are consistent with the intent & purpose of Title 27 of the LMC to promote the public health, safety, & general welfare.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the App. of Design Assocs., hereinafter referred to as "Permittee", to adjust the rear yard setbacks on the lots within proposed Block 3 & to adjust the lot configuration on proposed Lots 10 through 13, Block 2, on the property legally described above, be & the same is hereby granted under the provisions of Section 27.63.320 & Chapter 27.65 of the LMC upon condition that construction & operation of said be in strict compliance with said application, the site plan, & the following additional express terms, conditions, & requirements:

1. This permit approves the reduction of the rear yard setback of Lots 1 through 82, Block 3, from 30' or 20% of the depth of the lot to 5', & the adjustment of the lot lines & easement lines for Lots 10 through 13, Block 2.

2. Before receiving building permits:

- a. The Permittee must submit a revised & reproducible final plan.
- b. The construction plans must conform to the approved plans.
- c. Final plats within this C.U.P. must be approved by the City.

3. Before occupying the dwelling units all development & construction must be completed in conformance with the approved plans.

4. All privately-owned improvements shall be permanently maintained by the Permittee or an appropriately established homeowners association approved by the City Attorney.

5. The site plan approved by this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking & circulation elements, & similar matters.

6. The terms, conditions, & requirements of this resolution shall be binding & obligatory upon the Permittee, its successors, & assigns. The building official shall report violations to the City Council which may revoke the special permit or take such other action as may be necessary to gain compliance.

7. The Permittee shall sign & return the City's letter of acceptance to the City Clerk within 30 days following approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The City Clerk shall file a copy of the resolution approving the special permit & the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the Permittee.

8. The site plan as approved with this resolution voids & supersedes all previously approved site plans. All prior resolutions approving Special Permit 1781 remain in force except as specifically amended by this resolution.

Introduced by Annette McRoy

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

#### REPORTS TO CITY OFFICERS

##### CLERK'S LETTER & MAYOR'S APPROVAL OF ORDINANCES & RESOLUTIONS PASSED ON APRIL

17, 2000 - CLERK presented said report which was placed on file in the Office of the City Clerk.

INVESTMENT OF FUNDS - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-80159 BE IT HEREBY RESOLVED BY THE CITY COUNCIL of the City of Lincoln, Nebraska:

That the attached list of investments be confirmed & approved, & the City Treasurer is hereby directed to hold said investments until maturity unless otherwise directed by the City Council. (Investments beginning 04/21/00)

Introduced by Annette McRoy

Seconded by Johnson on & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

SETTING HEARING DATE OF MON., MAY 22, 2000, AT 10:00 A.M. ON TH BOARD OF EQUALIZATION SPECIAL ASSESSMENT GROUP I - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-80160 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the City Clerk be & he is hereby instructed to give ten days notice by publication according to law that the City Council will, at a regular meeting to be held on the **15th** day of **May, 2000, at 1:30 P.M.** assess the improvements in the following special assessment districts:

PAVING UNIT #131; PAVING UNIT #132; PAVING UNIT #133 (CDBG funds available for qualified owners for the above-listed paving units); WATER DIST. 1177; SEWER DIST. 1171.

BE IT FURTHER RESOLVED that the City Council will sit as a Board of Equalization for the purpose of distributing said tax & equalizing said assessments on **Monday, May 22, 2000, at 10:00 a.m.** with adjournments from day to day until said work of equalizing said assessments are completed.

Introduced by Annette McRoy

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

REGULAR MEETING

MAY 1, 2000

PAGE 880

REPORTS FROM CITY TREASURER OF TELECOMM. OCC. TAX DUE AS FOLLOWS: **JAN. - MARCH, 2000:** ASIAN AMERICAN ASSOC.; **MARCH, 2000:** NEXTEL WEST CORP., BIG PLANET, INC., I-LINK COMMS., LONG DISTANCE OF MICHIGAN, ASSOCIATION ADMINISTRATORS, NOSVA LTD. PARTNERSHIP, RSL COM USA, GLOBALCOM, NETWORK INTERNATIONAL, AIRTIME SMR INC., SPRINT COMM. CO., AT&T COMMS. OF THE MIDWEST, USA PAGING & SHAFFER COMMS. - CLERK presented said report which was placed on file in the Office of the City Clerk. (20)

ACCEPTING THE REPORT OF NEW & PENDING CLAIMS AGAINST THE CITY & APPROVING DISPOSITION OF CLAIMS SET FORTH THEREIN FOR THE PERIOD OF APRIL 1 THROUGH 15, 2000 - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-80153 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the claims listed in the attached report, marked as Exhibit "A", dated April 17, 2000, of various new & pending tort claims filed against the City of Lincoln with the Office of the City Attorney or the Office of the City Clerk, as well as claims which have been disposed of, are hereby received as required by Neb. Rev. Stat. § 13-905 (Reissue 1997). The dispositions of claims by the Office of the City Attorney, as shown by the attached report, are hereby approved:

DENIED

ALLOWED

Ursula & Richard Goodban	\$475.00	Continental Western Group	\$2,500.00
		Tamara Sanders	781.62

The City Attorney is hereby directed to mail to the various claimants listed herein a copy of this resolution which shows the final disposition of their claim.

Introduced by Annette McRoy

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

APPROVING AN ADDITIONAL APPROPRIATION OF \$500,000 FOR THE PAVEMENT REHABILITATION OF RESIDENTIAL STREETS - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-80154 WHEREAS, Resolution A-79668 was adopted by the City Council on August 23, 1999, and

WHEREAS, Resolution A-79668 approved the appropriation to the St. Construction Fund all monies received as the City's share of the Highway Allocation fund & the Grade Crossing Protection Fund, together with any other Federal, State, & County funds, received for street construction purposes, any reimbursements & matching funds, including Federal ROAD Funds, all of which monies are hereby appropriated for all purposes as authorized by State laws pertaining to such funds, notwithstanding any sum limitations set forth in the budget attached to said Resolution; and

WHEREAS, Resolution A-79668, approved the first year of the Six-Year Capital Improvements Program for the Street Construction/Vehicle Tax Funds as identified in Schedule 5; and

WHEREAS, the Dept. of Public Works is now requesting an additional \$500,000 of appropriations to cover the increase in pavement rehabilitation of residential streets; and

WHEREAS, the City Council, in the past, has encouraged the funding & rehabilitation of residential streets as would be allowed by the constraints of the City budget.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska,

That the appropriations for the FY1999-2000 Arterial/Residential Resurfacing Proj. 701028 be increased by \$500,000 to cover the increased pavement rehabilitation of residential streets.

BE IT FURTHER RESOLVED that, upon approval of said Resolution, the Public Works/Utilities Dept. is authorized to make said increase of appropriation.

Introduced by Annette McRoy

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

APPROVING A TRANSFER OF APPROPRIATIONS IN THE AMT. OF \$68,117 FROM GENERAL FUND CONTINGENCY TO GENERAL FUND URBAN DEVELOPMENT TO PROVIDE MATCHING FUNDS FOR A STATE GRANT FOR START UP COSTS FOR A ONE-STOP EMPLOYMENT CENTER RELATED TO THE WORK FORCE INVESTMENT ACT. - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-80158 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That a transfer of appropriations in the amount of \$68,117 from General Fund, Dept. City Unassigned, Contingency Division (Acct. No. 18001.5989) Misc. Other Service & Charges, to General Fund, Urban Development Dept., Administrative Division (Acct. No. 13001.6011) JTPA Expenditures, for the purpose of providing City matching funds for a State grant for start up costs & operating funds through August 31, 2000, for a one-stop employment center related to the Work Force Investment Act, is hereby approved & the Finance Director is authorized to make such transfers upon passage of this resolution.

Introduced by Annette McRoy

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

#### OTHER RESOLUTIONS

APP. OF CONCORD NEIGHBORHOOD CORP. DBA APPLEBEE'S NEIGHBORHOOD GRILL & BAR FOR A RETAIL CLASS I LIQUOR LICENSE AT 1133 Q ST. - CLERK read the following resolution, introduced by Cindy Johnson, who moved its adoption for approval:

A-80151 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, & the pertinent City ordinances, the City Council recommends that the App. of Concord Neighborhood Corp. dba Applebee's Neighborhood Grill & Bar for a Class I liquor license at 1133 Q St., Lincoln, Nebraska, for the license period ending April 30, 2001, be approved with the condition that the premise complies in every respect with all city & state regulations. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Cindy Johnson

Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

MAN. APP. OF DONNA M. PAULSEN FOR CONCORD NEIGHBORHOOD CORP. DBA APPLEBEE'S NEIGHBORHOOD GRILL & BAR AT 1133 Q ST. - CLERK read the following resolution, introduced by Cindy Johnson, who moved its adoption for approval:

A-80152 WHEREAS, Concord Neighborhood Corp. dba Applebee's Neighborhood Grill & Bar located at 1133 Q St., Lincoln, Nebraska has been approved for a Retail Class I liquor license, & now requests that Donna M. Paulsen be named manager;

WHEREAS, Donna M. Paulsen appears to be a fit & proper person to manage said business.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, & the pertinent City ordinances, the City Council recommends that Donna M. Paulsen be approved as manager of this business for said licensee. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Cindy Johnson

Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

APPROVING AN INTERLOCAL AGRMT. BETWEEN THE CITY, STATE, & LOWER PLATTE SOUTH NRD FOR ABATEMENT & CONTROL OF URBAN CONSTRUCTION SITE EROSION & SEDIMENT - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

REGULAR MEETING

MAY 1, 2000

PAGE 882

A-80155 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:  
That the attached Interlocal Agreement between the City, Nebraska Dept. of Environmental Quality, & the Lower Platte South Natural Resources Dist., to provide a mechanism for a single oversight & management means to process site & grading plans, assure best management practices for sediment & erosion control, & to meet requirements that will be imposed under the Stormwater Discharge Permit, in accordance with the terms & conditions contained in said agreement, is hereby approved & the Mayor is authorized to execute the same on behalf of the City of Lincoln.

The City Clerk is directed to return the signed Agreement to Allan Abbott, Public Works & Utilities Director, for transmittal to the State Dept. of Environmental Quality for execution by the State.

Introduced by Annette McRoy

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

AMENDING THE CITY'S RESOLUTION ON LOCAL GOVERNMENT MISCELLANEOUS EXPENDITURES TO CLARIFY LANGUAGE; TO PROVIDE FOR TRAVEL APPROVAL BY DEPARTMENT DIRECTORS & INSTITUTING A REQUIREMENT FOR DIRECTORS TO SUBMIT A SEMI-ANNUAL REPORT REGARDING TRAVEL AUTHORIZATIONS; TO PROVIDE THAT TEAMS ARE ELIGIBLE FOR THE MAYOR'S AWARD OF EXCELLENCE; & TO ELIMINATE REFERENCES TO THE CITY'S WELLNESS PROGRAM - CLERK read the following resolution, introduced by Jerry Shoecraft, who moved its adoption:

A-80161 WHEREAS, the Local Government Miscellaneous Expenditure Act authorizes the City Council to reimburse expenses incurred by elected & appointed officials, employees, or volunteers; and

WHEREAS, the City Council adopted a formal policy in Resolution A-77093 passed Nov. 27, 1995, which resolution was amended by Resolution A-78287 passed Aug. 18, 1997; and

WHEREAS, this policy governs educational workshops, conferences, training programs, official functions, hearings & meetings, registration fees, mileage, meals & lodging, travel expenditures, recognition dinners, plaques, certificates of achievement, & other miscellaneous expenditures; and

WHEREAS, this policy recognizes the various budget limitations, job assignments, & training needs of departments; and

WHEREAS, this policy needs to be updated to reflect current conditions.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That it hereby adopts the following policy governing the expenditure of public funds for payment or reimbursement of actual & necessary expenses incurred by elected & appointed officials, employees, or volunteers.

I. EXPENSES FOR EDUCATION, TRAINING, OR TRAVEL

Payment or reimbursement of actual & necessary expenses incurred by elected & appointed officials, employees, or volunteers at educational work shops, conferences, training programs, official functions, hearings, job duties, or meetings whether incurred within or outside of City limits may be reimbursed as herein authorized.

Travel expenses, which are defined as those costs a traveler must pay for conducting City business & which are necessary for the purpose of travel, may be approved by the department head. It is understood that not all expenses are automatically reimbursable even if they are addressed in this resolution. Rather, the reimbursement of expenses may vary between departments & employees within a department as determined by the department head. Nothing herein shall be construed as requiring reimbursement of any meal. Under no circumstances will expenses be reimbursed in excess of those identified in this resolution.

Anyone authorized to travel for the benefit of the City has a responsibility to keep accurate, substantiated cost records, except for meals & tips, & to submit expense statements in accordance with this resolution.

A. TRANSPORTATION EXPENSES

The maximum payable transportation allowance for any motor transportation shall not exceed the actual round-trip cost of coach air fares for that particular trip.

1. Air Travel. The latest rates for air travel from the City of Lincoln will be used in calculating all transportation expenses & allowances. Coach fare shall be used. A traveler shall make reservations through a travel agency & charge the tickets to the City of Lincoln; provided, however, a traveler who wishes to take advantage of electronic tickets, shop for the lowest fare on the Internet, or call airlines directly, will be required to personally pay for the tickets & request reimbursement from the City by submitting proper documentation. The City will not advance money for the purchase of airline tickets.
2. Motor Vehicles - Privately Owned. When the use of a private motor vehicle has been authorized, the owner of the vehicle shall be reimbursed at a mileage rate established by the Mayor in Administrative Regulation No. 4 & as the same may be amended from time to time, for the most direct round-trip route between Lincoln & the place visited. This amount shall not exceed the coach round-trip fare to & from that point & shall be documented by a City mileage reimbursement form. When more than one eligible employee performs such travel in an authorized private motor vehicle, only one eligible employee may obtain reimbursement for transportation. Lodging, meals, & other expenses for employees other than the employee receiving mileage are allowable en route to the destination if the cost does not exceed coach airfare.
3. Local Transportation. Local transportation costs, including such costs as airport limousine & taxi fare (including reasonable tips) may be reimbursed. Expenses for rental cars may be reimbursed when the employee's department head has decided that such rental will serve the best interests of the City. Requests for a rental car must be approved in writing in advance of the trip. Car rentals may be authorized when such rental will be cheaper than taxi fares or when the use of the car permits the traveler to accomplish the purpose of the trip in a more efficient manner.
4. Travel by City Owned Vehicle. A traveler may use a City owned vehicle if the employee's department head has decided that such use will serve the best interests of the City. The traveler may be reimbursed for out-of-pocket expenses, such as gasoline, etc. Receipts must be obtained for all out-of-pocket expenses incurred for a City owned vehicle. Use of the City vehicle shall be restricted to City of Lincoln purposes only, & no private passengers shall be authorized.

B. LIVING EXPENSES

1. Lodging. Hotel and/or motel lodging should be selected well in advance & should be within a reasonable distance from or at the site of the official meeting place. Reimbursement shall be for a single occupancy rate. Detailed receipts for all lodging costs must be secured.
2. Meals. Individuals traveling on City business will be allowed a daily per diem to cover the cost of meals & tips. The daily per diem amount shall not exceed thirty dollars (\$30.00 - \$7.00 breakfast, \$7.00 lunch, \$16.00 dinner) for most areas in the United States. Other areas in the United States are designated as high-cost areas, qualifying for a daily per diem not to exceed thirty-eight dollars (\$38.00 - \$9.00 breakfast, \$9.00 lunch, \$20.00 dinner). A list of these high-cost areas will be maintained & made available by the City Auditor. The Director will determine whether any reimbursement shall be made & the amount of the reimbursement to be made (not to exceed the maximums set above). The City will not reimburse employees for any meal provided by the conference or airline.

3. Registration Costs. The City will pay in advance, or reimburse an eligible traveler for, the registration fee paid when a receipt for the registration fee is obtained & is included with the travel expense statement. The proper procedure for advance payment of registration is to submit a payment voucher with a copy of the completed registration form or an invoice, payable to the conference, to the Auditor's Office in sufficient time to allow a warrant to be drawn & mailed to the conference prior to the deadline for registration.
4. Miscellaneous Expenses. Telephone expenses will be allowed only when necessary for City purposes. Expenses for tips should be included with the transportation & meal per diem.
5. Disallowance of Expenses. All major expenses including transportation (excluding taxi fares), lodging, & registration fees that are not supported by receipts attached to the travel expense statement may be disallowed for reimbursement at the discretion of the City Auditor.

C. TRAVEL APPROVAL

When a department head decides that a trip for an employee is essential for City business, the department head may approve such travel. When the trip is to be taken by the department head, approval of the Mayor shall be obtained. Dept. heads shall be required to submit to the Mayor's Office a semi-annual report outlining travel requests which have been approved for department employees during that semi-annual time period. The semi-annual report shall list the department employees who were approved for travel; the purpose of the travel; & the budget impact resulting from the travel approvals.

D. TRAVEL ADVANCE

Travel advance for expenses will be granted to approved travelers. When a traveler desires an advance of funds, the department shall submit to the City Auditor, a standard claim form itemizing estimated expenses. No travel advance may be considered prior to approval as set out in Section C. No advance may be considered prior to reconciliation of any prior travel advance.

E. REIMBURSEMENT PROCEDURES

1. Traveler's Processing of Expenditure Statements
  - a. Within ten (10) working days after completion of the authorized travel, the traveler shall complete an itemized travel expense statement, attaching all necessary supporting receipts, & other documentation (noncompliance may result in denial of future advances to an employee). Attached documentation should include at least the following: lodging receipt, auto rental receipt (when authorized by department head), & airline itinerary.
  - b. When arrangements are made for airline travel on weekends/Saturdays for purposes of securing lower ticket rates, payment for the hotel & meal costs incurred on the weekend are also authorized as long as the total of the lower airline ticket rate & the weekend hotel/meal costs do not exceed the Sunday/weekday airline ticket costs. It is expected that employees will exercise reasonable judgment to acquire all travel necessities at the lowest reasonable cost to the City. This may include scheduling travel in a way that results in a lower net cost to the City, such as group travel by auto, weekend travel for discount air fares, early ordering of airline tickets for the best discount fares, etc.
2. Departmental Processing of Travel Statement of Expenditures

Dept. heads or their designees shall examine the traveler's expense statements for proper accounting & documentation. They should insure that all necessary supporting documents

and/or statements of explanation are attached before signing the travel expense statement.

3. Finance Dept. Audit & Payment

Upon receipt of the request for funds, the Auditor shall perform an audit to insure compliance with this resolution. The City Auditor is authorized to request & receive additional information on any & all expenses.

- a. No Travel Advance Drawn. When no travel advance has been made, upon verification of an expense statement submitted, the City Auditor shall process the payment of funds reimbursing the traveler.
- b. Travel Advance Drawn. When a travel advance has been made & the cost of the trip is less than the amount advanced, the traveler shall return the balance of the funds to the City Auditor within ten (10) working days after completion of travel. Upon verification of the expense statement by the Auditor, a Treasurer's receipt shall be processed to deposit the balance of funds back to the fund from which the original advance was drawn.
- c. Actual Expenses are Equal to Travel Advance. When a travel advance has been made & the actual cost of the trip is equal to the amount of the advance, the procedure outlined in the preceding paragraph (b) shall be followed with the exception that no funds shall be returned by the traveler.
- d. Actual Expenses are More than Travel Advance. When the travel advance has been made & the actual cost of the trip is more than the amount advanced, then upon approval of the expense statement by the department head & verification by the City Auditor, a warrant shall be issued to the traveler.

II. PLAQUES AND AWARDS

A. The Mayor's Award of Excellence

The Mayor's Award of Excellence recognizes employees who consistently provide outstanding service & work that demonstrates exemplary personal commitment to the City of Lincoln.

1. Eligibility:

All employees are eligible except individuals in the Management Compensation Plan & elected officials. Individuals or teams of employees are eligible for monthly or annual awards. Entire departments, divisions or sections are not eligible as a team.

2. Nomination Procedure:

Employees or teams may be nominated by supervisors, contemporaries, subordinates, & the general public. Nominations shall be submitted by completing the Mayor's Award of Excellence Form. Nomination forms will be available from department heads, the City Personnel Office, or employee bulletin boards. Team nominations should be specific as to each member's involvement. Additional supporting documentation such as correspondence relating to the employee's or team's performance by other City employees may be attached. All nominations must be signed by the employee's or team's department head or appropriate designee. Said signature indicates that the nomination has been validated. Nominations that are not validated must be returned to the person making the nomination within thirty (30) days. All completed nomination forms need to be returned to the City Personnel Office by the fifth (5th) day of the month for the following month's award.

3. Nomination Criteria:

Employees or teams may be nominated for the award based on any of the following criteria:

Safety: Practices safety on the job & promotes & encourages others to do the same.

Productivity: Always gives the best of oneself & encourages & promotes co-workers to perform their best.

Loss Prevention: Demonstrates wise use of City resources & makes recommendations that result in substantial savings to the City outside the normal course of expected job functions.

Customer Relations: Represents the City with a positive attitude, takes pride in one's work, & encourages co-workers to do the same.

Valor: Performs an act of bravery above & beyond the call of duty.

4. Selection Process:

All validated nominations will be reviewed by the Mayor's Award of Excellence Committee. The committee may select no more than one (1) individual or team based on the selection criteria. Nominees will be eligible for three (3) months. Employees or teams will not be able to receive the monthly award more than once in any consecutive twelve (12) months. If a member of a new team has been previously selected for a monthly award, it will not nullify the team's eligibility to win an award. However, a previous winner cannot receive the monetary award & day off but still can be recognized. The Mayor's Monthly Award of Excellence may be presented every month & the Mayor's Annual Award of Excellence will be presented once every calendar year. An employee or team does not have to receive the Monthly Award to be eligible for the Mayor's Annual Award of Excellence.

5. Award Recognition:

All individuals/teams nominated will receive a letter & certificate. All monthly winners will be presented a one hundred dollar (\$100) U.S. Savings Bond (cost fifty dollars (\$50)), one day off with pay, & a plaque not to exceed a cost of fifty dollars (\$50). The Mayor's Annual Award of Excellence Recipient will receive a five hundred dollar (\$500) U.S. Savings Bond (cost of two hundred fifty dollars (\$250)), two (2) days off with pay, & a plaque not to exceed a cost of one hundred dollars (\$100). When the annual award recipient is a team, the \$500 savings bond will be divided equally among members. When it is impossible to divide the bond equally due to purchase increment issue price, the division will be made as close to the \$250 purchase price as possible, without going over. Each team member will receive two days off with pay & a plaque not to exceed a cost of \$100. All awards will be presented before the City Council. The Mayor's Annual Award of Excellence committee may recommend Annual Honorable Mention Recipients who would receive a plaque not to exceed a cost of fifty dollars (\$50). All monetary awards will be considered compensation & subject to normal withholding & all applicable IRS regulations.

6. Mayor's Award of Excellence Committee:

The committee is made up of one (1) representative from each union, & a non-union representative appointed by the Mayor. Representatives will be appointed by September thirtieth (30th) of each year. The term of the committee members will be for two (2) years. If a committee member is unable to complete his/her term, another appointee will finish the term. Three consecutive absences or four (4) absences in a calendar year will result in notification of the respective bargaining unit.

7. Administration:

- a. The Personnel Dept. will oversee the Mayor's Award of Excellence Program.
- b. The City reserves the right to rescind this policy at any time.
- c. This program should not be interpreted as a negotiable

item.

- d. The costs incurred to purchase a U.S. Savings Bond & to fund the day(s) off with pay will be charged to the employee's department budget.
- e. The costs incurred to purchase the plaques & awards & other expenditures will be charged to the Personnel Dept. budget.
- f. An individual or team winner will be chosen every month by the Mayor's Award of Excellence Committee when three or more members are present.

B. Other Plaques & Awards

Employees, appointed officials, & volunteers may be given plaques, certificates of achievement, or items of value provided the cost shall not exceed one hundred dollars (\$100.00) in value, notwithstanding mandated recognition under federal volunteer programs. Such awards shall recognize outstanding service & must be approved in advance by the employee's department head, the Mayor, or by the City Council. Such awards recognizing safety achievements must be approved in advance by the safety committee.

III. MISCELLANEOUS

A. Employee Appreciation - Development Days

Within each calendar year, all departments may conduct an employee development-appreciation day for the purpose of education, planning, & department betterment.

B. Recognition Dinners/Meals

Each year recognition dinners/meals may be held for elected & appointed officials, employees, or volunteers of the local government. The maximum cost per person for such dinner shall not exceed twenty-five dollars (\$25.00). An annual recognition dinner/meal may be held separately for employees of each department or separately for volunteers or any of them in combination.

C. Expenses of Spouses

Nothing in this resolution shall authorize the expenditure of funds to pay for any expenses incurred by the spouse of an elected or appointed official, employee, or volunteer unless the spouse is also an elected or appointed official, employee, or volunteer of the local government & such expenditure has been authorized as set out herein.

E. Meals for Council Members

Authorized expenditures shall not include expenditures for meals of paid members of the City Council while attending a public meeting of the Council unless it is a joint meeting with one or more other governing bodies.

BE IT FURTHER RESOLVED that Resolution A-78287 passed by the City Council on August 18, 1997 as hitherto existing, be & the same is hereby repealed.

Introduced by Jerry Shoecraft

Seconded by Johnson & carried by the following vote: AYES: Cook, Fortenberry, McRoy, Seng, Shoecraft; NAYS: Camp, Johnson.

AMENDING THE NEIGHBORHOOD DESIGN STANDARDS TO MAKE THE STANDARDS APPLICABLE TO THOSE AREAS ZONED R-4, R-5, R-6, R-7, & R-8 RESIDENTIAL ZONING DIST. WHICH WERE ANNEXED PRIOR TO DECEMBER 31, 1949 & ARE POTENTIALLY ELIGIBLE FOR THE NATIONAL REGISTER OF HISTORIC PLACES & TO ELIMINATE THEIR APPLICATION TO THE R-C RESIDENTIAL CONSERVATION DIST. (IN CONNECTION W/00-83) - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-80162 WHEREAS, the City of Lincoln has previously adopted Design Standards for Zoning Regulations by Resolution A-66456; &

WHEREAS, said Design Standards for Zoning Regulations were amended by Resolution A-72570 adopting Neighborhood Design Standards to apply in the RC Residential Conservation Dist.; and

WHEREAS, a coalition of Neighborhood Associations have proposed amendments to the Neighborhood Designs Standards to delete reference to the RC Conservation Dist. & to make said standards applicable to new

REGULAR MEETING

MAY 1, 2000

PAGE 888

construction of all principle buildings in those areas zoned R-4, R-5, R-6, R-7, & R-8 Residential Zoning Dist. that were annexed into the City of Lincoln prior to Dec. 31, 1949 & are potentially eligible for the National Register of Historic Places & to revise the building elements & yard & open space requirements; and

WHEREAS, the Lincoln City-Lancaster County Planning Commission has recommended approval of said amendments to the Neighborhood Design Standards.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the Design Standards for Zoning Regulations, adopted by the City Council on October 8, 1979 by Resolution A-66456, as amended by Resolution A-66456, are hereby amended by deleting the existing Neighborhood Design Standards & inserting in lieu thereof the Neighborhood Design Standards which are attached hereto as Attachment "A" & made a part hereof by reference.

Introduced by Cindy Johnson

Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

ORDINANCES - 1ST READING

CHANGE OF ZONE 3241 - APP. OF PEARLE FINIGAN FOR A CHANGE FROM AG AGRICULTURAL TO AGR AGRICULTURAL RESIDENTIAL ON PROPERTY GENERALLY LOCATED AT THE SOUTHWEST CORNER OF 84TH ST. & WAVERLY RD. - CLERK read an ordinance, introduced by Annette McRoy, amending the Lincoln Zoning Dist. Maps attached to & made a part of Title 27 of the LMC, as provided by Sec. 27.05.020 of the LMC, by changing the boundaries of the districts established & shown thereon, the first time.

CHANGE OF ZONE 3250 - APP. OF THE PLANNING DIRECTOR TO AMEND CHAPTER 27.71 OF THE LMC TO ADD A SECTION TO THE ZONING ORDINANCE TO MAKE POSSIBLE A USE PERMIT UPON A PREMISES WHICH DOES NOT MEET THE MINIMUM DISTRICT ACREAGE REQUIREMENT OF THE O-3 OFFICE PARK, B-2 PLANNED NEIGHBORHOOD BUSINESS, B-5 PLANNED REGIONAL BUSINESS OR I-3 EMPLOYMENT CENTER DIST. - CLERK read an ordinance, introduced by Annette McRoy, amending Chapter 27.71 of the LMC, Additional Height & Area Regulations, by adding a new section numbered 27.71.260 to allow a use permit upon a premises which does not meet the minimum total acreage requirement for approval of a use permit in the O-3, B-2, B-5, or I-3 Zoning Dist. & providing conditions for approval of such use permit, the first time.

CHANGE OF ZONE 68HP - APP. OF THE LINCOLN WOMEN'S CLUB FOR A LANDMARK DESIGNATION FOR THE WOMEN'S CLUB CLUBHOUSE AT 407 S. 14TH ST. - CLERK read an ordinance, introduced by Annette McRoy, amending the City of Lincoln Dist. Map attached to & made a part of Title 27 of the LMC by designating the building at 407 S. 14th St., Lincoln, Nebraska as a Landmark, the first time.

APPROVING A CONTRACT BETWEEN THE CITY, LINCOLN HAYMARKET DEVELOPMENT CORP., DOWNTOWN LINCOLN ASSOC., & THE UNIVERSITY OF NEBRASKA-LINCOLN TO OPERATE & REGULATE A MID-WEEK PUBLIC MARKET IN THE MARKETPLACE AREA AT 12TH ST. FROM Q TO R ST. & R ST. FROM 12TH TO 13TH STS. - PRIOR to reading:

COOK Moved to delay Introduction of Bill 00-90 for 1 week to 5/8/00.

Seconded by McRoy & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

AMENDING TITLE 2 OF THE LMC RELATING TO THE FIRE DEPT. TO DELETE REFERENCES TO THE BUREAU OF FIRE PREVENTION; RELATING TO THE DUTIES & RESPONSIBILITIES OF THE FIRE CHIEF TO DELETE THE RESPONSIBILITY TO INQUIRE INTO THE CAUSE OF ALL FIRES WHICH MAY OCCUR IN THE CITY, TO KEEP RECORDS THEREOF, & REPEALING THE SECTION REGARDING THE INVESTIGATION OF FIRES IN THE CITY - CLERK read an ordinance, introduced by Annette McRoy, amending Title 2 of the LMC by amending Sec. 2.02.060 relating to the Fire Dept. to delete references to the Bureau of Fire Prevention; amending Sec. 2.20.010

relating to the duties & responsibilities of the Fire Chief to delete the responsibility to inquire into the cause of all fires which may occur in the city & to keep records thereof; & repealing Sec. 2.20.160, relating to the investigation of fires in the city, in its entirety; & repealing Secs. 2.02.060 & 2.20.010 of the LMC as hitherto existing, the first time.

**MISCELLANEOUS BUSINESS**

**PENDING LIST -**

CAMP            Moved to extend the Pending List for 1 week.  
                  Seconded by Johnson & carried by the following vote:    AYES: Camp,  
Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

**UPCOMING RESOLUTIONS**

APPROVING    A REQUESTED TRANSFER OF THE CABLE TELEVISION FRANCHISE FROM A  
                  SUBSIDIARY OF TIME WARNER INC. TO AOL TIME WARNER INC. - PRIOR to reading:

COOK            Moved to delay Introduction on Bill 00R-140 for 1 week to 5/8/00.  
                  Seconded by Fortenberry & carried by the following vote:    AYES:  
Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

CAMP            Moved to approve the resolutions to have Public Hearing on May 8,  
2000.  
                  Seconded by Johnson & carried by the following vote:    AYES: Camp,  
Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

**ADJOURNMENT**

**3:00 P.M.**

CAMP            Moved to adjourn the City Council Meeting of May 1, 2000.  
                  Seconded by Johnson & carried by the following vote:    AYES: Camp,  
Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

So ordered.

---

Paul A. Malzer, Jr., City Clerk

---

Teresa J. Meier-Brock, Office Assistant III

